

105TH CONGRESS
1ST SESSION

H. R. 2973

To amend the Act popularly known as the Federal Aid in Fish Restoration Act, authorizing assistance to the States for fish restoration and management projects, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 8, 1997

Mr. TANNER (for himself, Mr. CUNNINGHAM, Mr. CHAMBLISS, Mr. PETERSON of Minnesota, Mr. YOUNG of Alaska, Mr. DINGELL, Mr. BAKER, Mr. McCRERY, Mr. SAXTON, Mr. CLEMENT, Mr. JOHN, Mr. CRAMER, Mr. JEFFERSON, Mr. BONIOR, Mr. BOEHLERT, Mr. GILCHREST, Mr. McHUGH, Mr. COOKSEY, Mr. WATKINS, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. CASTLE, and Mrs. JOHNSON of Connecticut) introduced the following bill; which was referred to the Committee on Resources, and in addition to the Committees on Transportation and Infrastructure, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Act popularly known as the Federal Aid in Fish Restoration Act, authorizing assistance to the States for fish restoration and management projects, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sportfishing and Boat-
3 ing Improvement Act of 1997”.

4 **SEC. 2. AMENDMENT OF 1950 ACT.**

5 Whenever in this Act an amendment or repeal is ex-
6 pressed in terms of an amendment to, or repeal of, a sec-
7 tion or other provision of the 1950 Act, the reference shall
8 be considered to be made to a section or other provision
9 of the Act entitled “An Act to provide that the United
10 States shall aid the States in fish restoration and manage-
11 ment projects, and for other purposes,” approved August
12 9, 1950 (16 U.S.C. 777 et seq.), popularly known as the
13 Federal Aid in Fish Restoration Act.

14 **SEC. 3. OUTREACH AND COMMUNICATIONS PROGRAMS.**

15 (a) DEFINITIONS.—Section 2 of the 1950 Act (16
16 U.S.C. 777a) is amended—

17 (1) by indenting the left margin of so much of
18 the text as precedes “(a)” by 2 ems;

19 (2) by inserting “For purposes of this Act—”
20 after the section caption;

21 (3) by striking “For the purpose of this Act
22 the” in the first paragraph and inserting “(1) the”;

23 (4) by indenting the left margin of so much of
24 the text as follows “include—” by 4 ems;

1 (5) by striking “(a)”, “(b)”, “(c)”, and “(d)”
2 and inserting “(A)”, “(B)”, “(C)”, and “(D)”, re-
3 spectively;

4 (6) by striking “department.” and inserting
5 “department;”; and

6 (7) by adding at the end thereof the following:

7 “(2) the term ‘outreach and communications
8 program’ means a program to improve communica-
9 tions with anglers, boaters, and the general public
10 regarding angling and boating opportunities, to re-
11 duce barriers to participation in these activities, to
12 advance adoption of sound fishing and boating prac-
13 tices, to promote conservation and the responsible
14 use of the nation’s aquatic resources, and to further
15 safety in fishing and boating; and

16 “(3) the term ‘aquatic resource education pro-
17 gram’ means a program designed to enhance the
18 public’s understanding of aquatic resources and
19 sport-fishing, and to promote the development of re-
20 sponsible attitudes and ethics toward the aquatic en-
21 vironment.”.

22 (b) INCREASE IN STATE ALLOCATION.—Section 8 of
23 the 1950 Act (16 U.S.C. 777g) is amended—

1 (1) in subsection (b) by striking “12½ per cen-
2 tum” each place it appears and inserting “15 per-
3 cent”;

4 (2) in subsection (c) by striking “10 per cen-
5 tum” and inserting “15 percent”;

6 (3) in subsection (c) by inserting “and commu-
7 nications” after “outreach”; and

8 (4) by redesignating subsection (d) as sub-
9 section (f); and by inserting after subsection (c) the
10 following:

11 “(d) NATIONAL OUTREACH AND COMMUNICATIONS
12 PROGRAM.—

13 “(1) IMPLEMENTATION.—Within 1 year after
14 the date of enactment of the Sportfishing and Boat-
15 ing Improvement Act of 1997, the Secretary of the
16 Interior shall develop and implement, in cooperation
17 and consultation with the Sport Fishing and Boat-
18 ing Partnership Council, a national plan for out-
19 reach and communications.

20 “(2) CONTENT.—The plan shall provide—

21 “(A) guidance, including guidance on the
22 development of an administrative process and
23 funding priorities, for outreach and communica-
24 tions programs; and

1 “(B) for the establishment of a national
2 program.

3 “(3) SECRETARY MAY MATCH OR FUND PRO-
4 GRAMS.—Under the plan, the Secretary may—

5 “(A) make grants to any State or private
6 entity to pay all or any portion of the cost of
7 carrying out any outreach or communications
8 program under the plan; or

9 “(B) contract with States or private enti-
10 ties to carry out such a program.

11 “(4) REVIEW.—The plan shall be reviewed peri-
12 odically, but not less frequently than once every 3
13 years.

14 “(e) STATE OUTREACH AND COMMUNICATIONS PRO-
15 GRAM.—Within 12 months after the completion of the na-
16 tional plan under subsection (d)(1), a State shall develop
17 a plan for an outreach and communications program and
18 submit it to the Secretary. In developing the plan, a State
19 shall—

20 “(1) review the national plan developed under
21 subsection (d);

22 “(2) consult with anglers, boaters, the
23 sportfishing and boating industries, and the general
24 public; and

1 “(3) establish priorities for the State outreach
 2 and communications program proposed for imple-
 3 mentation.”.

4 **SEC. 4. CLEAN VESSEL ACT FUNDING.**

5 Section 4(b) of the 1950 Act (16 U.S.C. 777c(b)) is
 6 amended to read as follows:

7 “(b) USE OF BALANCE AFTER DISTRIBUTION.—

8 “(1) IN GENERAL.—Of the balance of each an-
 9 nual appropriation remaining after making the dis-
 10 tribution under subsection (a), an amount equal to
 11 \$42,500,000 for each of fiscal years 1998 through
 12 2003 shall be used as follows:

13 “(A) \$15,000,000 shall be transferred to
 14 the Secretary of Transportation and shall be ex-
 15 pended for State recreational boating safety
 16 programs under section 13106(a)(1) of title 46,
 17 United States Code.

18 “(B) \$10,000,000 shall be available to the
 19 Secretary of the Interior for obligation for
 20 qualified projects under section 5604(c) of the
 21 Clean Vessel Act of 1992 (33 U.S.C. 1322
 22 note).

23 “(C) \$10,000,000 shall be available to the
 24 Secretary of the Interior for obligation for
 25 qualified projects under section (5)(d) of the

1 Sportfishing and Boating Improvement Act of
2 1997.

3 “(D) \$7,500,000 shall be available to the
4 Secretary of the Interior for obligation for the
5 national outreach and communications program
6 under section 8(d).

7 The Secretary of the Interior shall publish a detailed
8 accounting of the projects, programs, and activities
9 funded under subparagraph (D) annually in the
10 Federal Register. No funds available to the Sec-
11 retary under this subsection may be used to replace
12 funding traditionally provided through general ap-
13 propriations, nor for any purposes except those pur-
14 poses authorized by this Act.

15 “(2) AMOUNT REMAINING UNOBLIGATED AFTER
16 3 YEARS.—Amounts available under subparagraphs
17 (B) and (C) of paragraph (1) that are unobligated
18 by the Secretary of the Interior after 3 years shall
19 be transferred to the Secretary of Transportation
20 and be expended for State recreational boating safe-
21 ty programs under section 13106(a)(1) of title 46,
22 United States Code.

23 “(3) CARRYFORWARD.—Amounts available for
24 the national outreach and education program under
25 paragraph (1)(D) shall remain available for 2 fiscal

1 years after the fiscal year in which the amounts are
 2 first available. Amounts available to the program
 3 under that paragraph that are unobligated by the
 4 Secretary of the Interior more than 2 years after the
 5 first fiscal year in which the amounts are available
 6 shall be available to the Secretary, in addition to
 7 amounts otherwise available, for apportionment
 8 under section 4(d).”.

9 **SEC. 5. BOATING INFRASTRUCTURE.**

10 (a) PURPOSE.—The purpose of this section is to pro-
 11 vide funds to States for the development and maintenance
 12 of public facilities for transient nontrailerable recreational
 13 vessels.

14 (b) SURVEY.—Section 8 of the 1950 Act (16 U.S.C.
 15 777g), as amended by section 3, is amended by adding
 16 at the end thereof the following:

17 “(g) SURVEYS.—

18 “(1) NATIONAL FRAMEWORK.—Within 6
 19 months after the date of enactment of the
 20 Sportfishing and Boating Improvement Act of 1997,
 21 the Secretary, in consultation with the States, shall
 22 adopt a national framework for a public boat access
 23 needs assessment which may be used by States to
 24 conduct surveys to determine the adequacy, number,

1 location, and quality of facilities providing access to
2 recreational waters for all sizes of recreational boats.

3 “(2) STATE SURVEYS.—Within 18 months after
4 such date of enactment, each State that agrees to
5 conduct a public boat access needs survey following
6 the recommended national framework shall report its
7 findings to the Secretary for use in the development
8 of a comprehensive national recreational boat access
9 needs assessment.

10 “(3) EXCEPTION.—Paragraph (2) does not
11 apply to a State if, within 18 months after such date
12 of enactment, the Secretary certifies that the State
13 has developed and is implementing a plan that en-
14 sures there are and will be public boat access ade-
15 quate to meet the needs of recreational boaters on
16 its waters.

17 “(4) FUNDING.—A State that conducts a public
18 boat access needs survey under paragraph (2) may
19 fund the costs of conducting that assessment out of
20 amounts allocated to it as funding dedicated to mo-
21 torboat access to recreational waters under sub-
22 section (b)(1) of this section.”.

23 (c) PLAN.—Within 6 months after submitting a sur-
24 vey to the Secretary under section 8(g) of the Act entitled
25 “An Act to provide that the United States shall aid the

1 States in fish restoration and management projects, and
2 for other purposes,” approved August 9, 1950 (16 U.S.C.
3 777g(g)), as added by subsection (b) of this section, a
4 State may develop and submit to the Secretary a plan for
5 the construction, renovation, and maintenance of public
6 facilities, and access to those facilities, for transient
7 nontrailerable recreational vessels to meet the needs of
8 nontrailerable recreational vessels operating on navigable
9 waters in the State.

10 (d) GRANT PROGRAM.—

11 (1) MATCHING GRANTS.—The Secretary of the
12 Interior shall obligate amounts made available under
13 section 4(b)(1)(C) of the Act entitled “An Act to
14 provide that the United States shall aid the States
15 in fish restoration and management projects, and for
16 other purposes,” approved August 9, 1950 (16
17 U.S.C. 777c(b)(1)(C)) to make grants to any State
18 to pay not more than 75 percent of the cost to a
19 State of constructing, renovating, or maintaining
20 public facilities for transient nontrailerable rec-
21 reational vessels.

22 (2) PRIORITIES.—In awarding grants under
23 paragraph (1), the Secretary shall give priority to
24 projects that—

1 (A) consist of the construction, renovation,
2 or maintenance of public facilities for transient
3 nontrailerable recreational vessels in accordance
4 with a plan submitted by a State under sub-
5 section (c);

6 (B) provide for public/private partnership
7 efforts to develop, maintain, and operate facili-
8 ties for transient nontrailerable recreational
9 vessels; and

10 (C) propose innovative ways to increase the
11 availability of facilities for transient
12 nontrailerable recreational vessels.

13 (e) DEFINITIONS.—For purposes of this section, the
14 term—

15 (1) “nontrailerable recreational vessel” means a
16 recreational vessel 26 feet in length or longer—

17 (A) operated primarily for pleasure; or

18 (B) leased, rented, or chartered to another
19 for the latter’s pleasure;

20 (2) “public facilities for transient nontrailerable
21 recreational vessels” includes mooring buoys, day-
22 docks, navigational aids, seasonal slips, or similar
23 structures located on navigable waters, that are
24 available to the general public and designed for tem-
25 porary use by nontrailerable recreational vessels; and

1 (4) “State” means each of the several States of
 2 the United States, the District of Columbia, the
 3 Commonwealth of Puerto Rico, Guam, American
 4 Samoa, the Virgin Islands, and the Commonwealth
 5 of the Northern Mariana Islands.

6 (f) EFFECTIVE DATE.—This section shall take effect
 7 on October 1, 1997.

8 **SEC. 6. AQUATIC RESOURCES TRUST FUND.**

9 (a) EXCISE TAX AMENDMENTS.—Sections
 10 4041(a)(2) and 4081(d)(1) of the Internal Revenue Code
 11 of 1986 are each amended by striking “1999” and insert-
 12 ing “2005”.

13 (b) TRUST FUND AMENDMENTS.—

14 (1) Section 9503 of such Code is amended—

15 (A) by striking “1997” in subsection
 16 (c)(4)(A)(i) and inserting “2005”;

17 (B) by striking subsection (c)(4)(A)(ii) and
 18 inserting the following:

19 “(ii) LIMIT ON TRANSFERS DURING
 20 ANY FISCAL YEAR.—The aggregate amount
 21 transferred under this subparagraph dur-
 22 ing any fiscal year shall not exceed
 23 \$60,000,000 for fiscal year 1998 and for
 24 each fiscal year thereafter.”; and

1 (C) by striking “1997” in subsection (c)(5)
2 and inserting “2005”.

3 (2) Section 9504 of such Code is amended—

4 (A) by striking “(as in effect on October 1,
5 1988)” in subsection (b)(2)(A) and in sub-
6 section (c); and

7 (B) by striking “April 1, 1998” in sub-
8 section (c) and inserting “October 1, 2005”.

9 (c) CONFORMING AMENDMENT.—Section 13106 of
10 title 46, United States Code, is amended—

11 (1) by striking the first sentence of subsection
12 (a)(1) and inserting the following: “Subject to para-
13 graph (2) and subsection (c), the Secretary shall ex-
14 pend in each fiscal year for State recreational boat-
15 ing safety programs, under contracts with States
16 under this chapter, an amount equal to the sum of
17 (A) the amount appropriated from the Boat Safety
18 Account for that fiscal year and (B) the amount
19 transferred to the Secretary under section 4(b) of
20 the Act of August 9, 1950 (16 U.S.C. 777c(b)).”;
21 and

22 (2) by striking subsection (c) and inserting the
23 following:

24 “(c) Of the amount transferred for each fiscal year
25 to the Boat Safety Account under section 9503(c)(4)(A)

1 of the Internal Revenue Code of 1986, \$5,000,000 is avail-
2 able to the Secretary for payment of expenses of the Coast
3 Guard for personnel and activities directly related to car-
4 rying out the national recreational boating safety program
5 under this title. No funds available to the Secretary under
6 this subsection may be used to replace funding tradition-
7 ally provided through general appropriations, nor for any
8 purposes except those purposes authorized by the Act of
9 August 9, 1950 (16 U.S.C. 777 et seq.). Amounts made
10 available by this subsection shall remain available until ex-
11 pended. The Secretary shall publish annually in the Fed-
12 eral Register a detailed accounting of the projects, pro-
13 grams, and activities funded under this subsection.”.

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